

REMARKS

Allowed Claims

The allowance of claims 1-11, 13-21, 23, 25-32 and 39 is acknowledged with appreciation. Only claims 35-38 stand rejected, and claims 37 and 38 have been canceled in this response. Reconsideration and allowance of claims 35 and 36 are respectfully requested in view of the following remarks.

Section 103 Rejections

Claims 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reef in view of Fournier. Claim 35 recites, among other things, “a jet pump with a nozzle disposed in one portion of the fuel tank, having an inlet connected with the source of pressurized fuel upstream of the engine to receive pressurized fuel from the source upstream of the engine”. Reef does not disclose or suggest a construction and arrangement wherein a jet pump inlet is communicated with pressurized fuel upstream of the engine so that the jet pump receives fuel before that fuel is delivered to the engine. Instead, Reef discloses a fuel pump module for a return type fuel system in which a high pressure pump 14 supplies its entire output of high pressure fuel directly to an engine through a conduit 18. Excess fuel not consumed by the engine passes through a pressure regulator on the engine fuel rail and is returned at a low pressure and a varying flow rate (depending on the engine fuel demand) through a return line 20 to a jet pump 10. Hence, Reef’s jet pump 10 is connected downstream of an engine and so Reef does not disclose a jet pump having an inlet connected with a source of pressurized fuel upstream of an engine as recited in claim 35. For at least these reasons, the stated rejection of claim 35 fails to establish a prima facie case of obviousness and should be withdrawn.

Claim 36 is dependent on claim 35 and hence defines patentable subject matter and should be allowed for at least the foregoing reasons. Further, the orifices identified by the Examiner are not recited as being nor are they believed to be axially spaced as recited in claim 36. Claims 37 and 38 have been canceled without prejudice to the right to pursue the subject matter of these claims in one or more divisional applications.

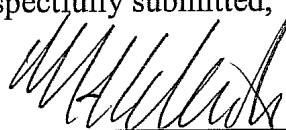
CONCLUSION

The allowance of claims 1-11, 13-21, 23, 25-32 and 39 is acknowledged with appreciation. Claims 35 and 36 define patentable subject matter over all cited art for at least those reasons noted in this response. Accordingly, reconsideration and allowance of these claims are respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

Applicants believe that no fees are due at this time. Any fee(s) deemed necessary for this response may be charged to deposit account no. 50-0852.

Respectfully submitted,



Matthew J. Schmidt, Reg. No. 43904
Reising, Ethington, Barnes, Kisselle P.C.
P.O. Box 4390
Troy, Michigan 48099-439
248-689-3500

January 21, 2009